

OCT. 10. 2006 12:50PM

NEEDLE & ROSENBERG

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ATTORNEY DOCKET NO. 14114.0376U1
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Larry A. Lee) Art Unit: 2857
Application No. 10/815,111) Examiner: Patrick J. Assouad
Filing Date: March 31, 2004) Confirmation No. 6581
For: "METHOD, APPARATUS, AND SYSTEM)
FOR ASSESSING CONDITIONS")

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

October 10, 2006

Dear Sir:

Applicant or patent owner hereby appeals under 37 C.F.R. § 41.31 to the Board of Patent Appeals and Interferences from the decision of the Examiner dated April 7, 2006 finally rejecting claims 1-10, 12-16, 19-27, 30-43 and 45-48.

The item(s) checked below are appropriate:

1. An extension of time to respond to the final rejection:
(a) was obtained for [**NO. OF MONTHS EOT**] month(s).
(b) is requested herewith under 37 C.F.R. § 1.136.
2. Payment in the amount of \$_____ for the following fees is to be charged to a credit card and such payment is authorized by the signed, enclosed document entitled Credit Card Payment Form PTO-2038 to cover the following fees:

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APPLICATION NO. 10/815,111

- Appeal fee amount pursuant to 37 C.F.R. §41.20(b)(1) = \$500.00.
- Extension of time fee amount pursuant to 37 C.F.R. §1.17(a)(***) =
\$ _____ - three month extension of time fee minus the \$ _____ two-month extension of time fee submitted on ***** = \$ _____.
- 3. Enclosed is a Pre-Appeal Brief Request for Review and _____ sheets of reasons.

The amount authorized in PTO-2038 is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



Jason S. Jackson
Registration No. 56,733

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(678) 420-9301 (fax)

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via facsimile transmission to:
Examiner Patrick J. Assoud, Art Unit 2857, (571)-273-8300, on the date indicated below.

Monick Lewis

Date

10/10/06